

EXHIBIT NO. 5DATE 3-21-2013BILL NO. HB 558

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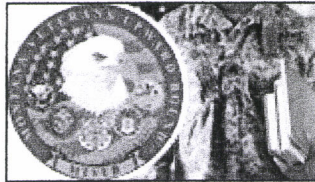
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# House advances bill to restrict gravel road addi

Calcium chloride blamed for sloppy roads west of Lewistown

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**HELENA** — The House on Wednesday advanced a measure to cap the amount of magnesium chloride and calcium chloride that can be used for gravel road stabilization.

The legislation stems from outcry in some central Montana communities over messy roadways caused by the over-application of the chemicals. Calcium chloride is an additive used to firm up gravel roads and make them last longer. It works by absorbing water vapor from the air and water from the roadbed, keeping the road firm so it doesn't erode as quickly.

Residents of Fergus County who live along or near roads that serve Air Force missile sites began loudly complaining in 2011 when gravel roadways in the Moore area west of Lewistown turned to slimy, sticky good that covered their vehicles, trucks and farm implements. The residents claimed the mud that resulted from the over-application of the chemical additives was corrosive, difficult to remove and dangerous to drive on.

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Dan Simpson's tractor and heavy harrow were covered in road grime after just a quarter mile of travel on Ross Fork Road. Calcium chloride applied to roads that service Air Force missile sites have left several Fergus County roads a muddy mess. / Photo courtesy Joe Simpson



Dan Simpson inspects his tractor and heavy harrow on Aug. 31. The equipment was covered in road grime from Ross Fork Road, seven miles north of Moore. / Photo courtesy Joe Simpson

Rep. Dennis Lenz, R-Billings, carried House Bill 558 to try to address the problem. The bill would cap the amount of the chemical additive that could be mixed with gravel road materials for roadbed stabilization purposes.

Lenz said he was reluctant to address the problem in state statute, but he said the bill is flexible enough to allow for increased chemical use if local conditions require it and proper testing is completed.

"If you do need higher amounts, it provides testing parameters to accomplish that same stable road," Lenz said.

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A handful of Democrats opposed the bill, arguing that it should be left up to local road departments to make decisions about how to best manage road stabilization based on the unique geography, weather conditions and other factors in their areas.

Rep. Ed Lieser, D-Whitefish, said he understood the issues the bill attempts to address, but he said he did not think the solution should be found in the state code

books.

"I believe this is a local issue," Lieser said. "Every county can develop their own parameters that are specific to the geology and the road conditions that are relevant to their particular site. I don't think this rises to the state level."

Rep. Kerry White, R-Bozeman, said he's seen trucks with 300 pounds of mud caked on them because of soggy roads that were treated with calcium chloride. White said he expects counties will actually save money if they require their contractors to use smaller amounts of the chemical additives.

The House passed HB558 73-27. It faces a final procedural vote tomorrow before moving on to the Senate.

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